

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:15-cv-00214-MR-DLH**

**DAVID A. BARDES, individually,  
as a taxpayer,**

**Plaintiff,**

**vs.**

**ORDER**

**L. PATRICK AULD, Magistrate Judge,  
CATHERINE C. EAGLES, District  
Judge, PATRICK MICHAEL DUFFY,  
Senior U.S. District Judge, ROBERT  
CARR, Ex-Magistrate Judge, in their  
individual and official capacities,  
THE US COURTS, THE UNITED  
STATES OF AMERICA, THE US  
DEPARTMENT OF JUSTICE, and  
JOHN AND JANE DOES,**

**Defendants.**

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**THIS MATTER** is before the Court on the Plaintiff's "Motion to Reconsider and Reverse; Demand to Reinstate; Named Defendants" [Doc. 5], which the Court construes as a motion for reconsideration.

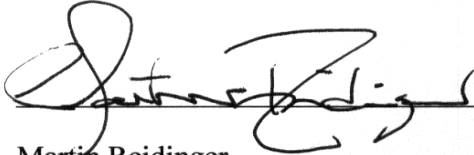
The Plaintiff seeks reconsideration of the Court's Order [Doc. 3] dismissing the Plaintiff's Complaint. [Doc. 5]. The Plaintiff asserts that this Court has "den[ied] hypothermic torture exists" [Doc. 5 at 2] and failed to

“outlaw[ ] hypothermic torture.” [Id.]. The Plaintiff misunderstands the Court’s Order. The only issues before this Court and addressed in the prior Order were whether the Plaintiff’s claims had been previously adjudicated and whether any of the named Defendants have immunity from this action. The Plaintiff’s motion for reconsideration addresses neither of these issues. As such, the Plaintiff has not stated any cognizable basis for the Court to reconsider its prior Order. Accordingly, the Plaintiff’s motion for reconsideration is denied.

**IT IS, THEREFORE, ORDERED** that the Plaintiff’s “Motion to Reconsider and Reverse; Demand to Reinstate; Named Defendants” [Doc. 5], which the Court construes as a motion for reconsideration, is **DENIED**.

**IT IS SO ORDERED.**

Signed: November 10, 2015

  
Martin Reidinger  
United States District Judge

